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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/671,300 | 09/24/2003 | David Holden | DH-001 | 8019 |
| 7590 | 08/04/2005 | | EXAMINER | |
| Dane C. Butzer 681 Woodduck Ct. Columbus, OH 43215 | | | LE, TAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3632 | |

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/671,300 | HOLDEN, DAVID | |
| | Examiner Tan Le | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14, 16-19, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) 7, 11, 13, 14, 17-19, 21 and 22 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-6, 8-10, 12 and 16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

- 1.. This is the second office action for serial number 10/671,300. This application contains 19 claims numbered 1-14, 16-19 and 21-22. Claims 15 and 20 have been canceled. Claims 7, 11, 13, 14 and 17-19 have been withdrawn. Claims 21-22 have been added.
2. Newly added claims 21-22 drawn to a method group (Group II), which was not elected by Applicant for examination. Claims 21-22 are therefore withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant is reminded that claims that are withdrawn, the status of these claims in the next response must be indicated in a parenthetical expression (status identifier) as "withdrawn". An examination as follows:
3. Claim 15 was canceled but the dependency of claim 16 still depends upon a canceled claim. Correction is required.
4. Claim 22 claims a method but its dependency depends on the apparatus claim. This is confusing. The patentability of the method claims rests on the steps of the method not the apparatus. The examiner considers claims 22 is depending upon claim 21, which claims a method, and these claims are different group invention (Group II) which was not elected by Applicant.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-10, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,672,621 to Moss in view of US Patent 6,663,158 to Showalter.

As to claim 1, Moss teaches a hook clip or connecting member (12, 52), which comprises two plates (16, 14 or 56, 54), a spacer (no numeral) that connects and holds the plates apart by a gap, and at least one part of a hook-and-loop fastener (20, 60) attached to at least one of the plates opposite the other of plates.

Moss teaches substantially as claimed except for rubberized coating on the other of the plates.

Showater teaches plates 22-30 coated with plastic or another cushioning material for preventing rattling or vibration.

It would have been obvious to one skilled in the art at the time the invention was made to modify Moss by including a rubberized coating surface which substantially comprises of plastic or cushioning material onto the other of the plates (14 or 54) for the purpose of providing more softer gripping contact surface between the binder and the hook, as well preventing rattling or damaging the papers from the vibration of the binder.

As to claims 2-6, 8-10, 12 and 16, Moss in view of Showater also teaches all the subject matter claimed in claims 2-6, 8-10, 12 and 16 which shows the plates that are substantially parallel; the plates and spacer formed from a single piece which made from a steel material; the two plates are substantially rectangular and different in sizes;

the two plates each has a surface areas at least more than one inches; and the spacer connected the two plates at an edge of each plates where the spacer is flat.

Response to Arguments

6. Applicant's arguments with respect to claims 1-6, 8-10 and 12 under Dillon, Jr. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of US Patent No. 6,672,621 to Moss and US patent no. 6,663,158 to Showater.

Conclusion

This action is made non-final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818. The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan Le

Tan Le
July 15, 2005.


ANITA KING
PRIMARY EXAMINER